

July 28, 2004

Via Electronic Mail

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: In the Matter of Petition for Rulemaking or, Alternatively, a Waiver of the Eligibility Restrictions on C Block Licenses in the Broadband Personal Communications Services, RM-11019

Dear Ms. Dortch:

PC Management strongly disagrees with CTIA's request that the Commission initiate a rulemaking, or otherwise waive its rules, to eliminate the offering of Closed licenses in Auction No. 58. As set forth below, we believe that the Commission's inclusion of Closed licenses is absolutely critical to the success of Designated Entities ("DEs") in Auction No. 58.

As a DE that won spectrum in Auction No. 35 through an affiliated entity LastWave Partners, and PC Management looks forward to an equitable playing field in Auction No. 58, with the hope and expectation that the upcoming auction will provide PC Management with a meaningful opportunity to acquire additional spectrum and to continue developing innovative services for the benefit of wireless consumers.

The Auction No. 58 rules, as they stand provide, a true opportunity for DEs to acquire additional PCS spectrum through the critical combination of set-asides and bid credits. As we clearly saw in Auction No. 35, the underlying success of that auction cannot be disputed. In fact, the 32 DEs that participated in Auction No. 35 won 45 percent of all licenses by value. This statistic demonstrates that small businesses are eager for spectrum ownership opportunities and are well-positioned to pursue them thanks to the current rules.

The Commission must continue to vigilantly protect its record of enhancing diversity and promoting small business presence in the wireless communications industry. Any further diminishment of the DE rules, even if seemingly minor, will preclude PC Management

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and other similarly-situated companies from meaningful participation in the wireless industry going forward, tilting the playing field wholly in favor of the national carriers.

For these reasons, PC Management urges the Commission to promptly deny the CTIA Petition.

Sincerely,

Robert C. Martin
President